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| 09/559,118 | 04/26/2000 | Douglas M Dillon | PD-N94026G | 1743 |

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EXAMINER

AVELLINO, JOSEPH E

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2143

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,118

Applicant(s)

DILLON, DOUGLAS M

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 20-40 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 22, 23, 25, 28-30, 32, 33, 35, 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Dawson et al. (USPN 5,594,490) (hereinafter Dawson).

3. Referring to claim 20, Dawson discloses an apparatus comprising:

a receiving unit connectible to a satellite dish and configured to receive a TCP/IP packet from a TCP/IP network via a satellite that transmits the TCP/IP packet to the satellite dish (e.g. abstract; Figure 5; col. 6, lines 31-65),

wherein a request transmitted from said apparatus to the TCP/IP network comprises an IP address associated with said receiving unit so that a response from the TCP/IP network addressed to the IP address associated with said receiving unit will be

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sent to said apparatus via the satellite and the satellite dish to be received by said receiving unit (col. 6, lines 55-65).

4. Referring to claim 22, Dawson discloses the request transmitted from said apparatus to the TCP/IP network is not transmitted via satellite (e.g. abstract).

5. Referring to claim 23, Dawson discloses the request transmitted from said apparatus to the TCP/IP network is transmitted via a dialup connection (e.g. abstract).

6. Referring to claim 25, it is inherent knowledge that the IP address associated with a receiving unit is different from a source IP unit because these machines are addressable through TCP/IP, which allows each machine to be individually addressed.

7. Referring to claim 28, Dawson discloses the TCP/IP network is the Internet, and said apparatus is connectable to a personal computer (receiver server) (e.g. abstract; Figure 5; col. 7, lines 9-30; col. 9, lines 27-34).

8. Referring to claim 29, Dawson discloses the apparatus is embodied as an adapter card (NIC) (col. 7, lines 9-30).

9. Referring to claim 40, Dawson discloses a driver for use in a personal computer for effecting the method of claim 30 (col. 7, lines 9-30). The Office takes the term

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"driver" as software which provides communication between two devices. In this case, the two devices are the computer and the satellite network.

10. Claims 30, 32, 33, 35, 38, and 39 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 22, 23, 25, 30, 32, 33, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (USPN 4,841,526) (hereinafter Wilson) in view of Galloway (USPN 5,430,709).

12. Referring to claims 20 and 30, Wilson discloses an apparatus comprising a receiving unit connectable to a satellite dish and configured to receive a packet from a network via a satellite that transmits the packet to the satellite dish (Figure 2),

wherein a request transmitted from said apparatus to the network comprises an address associated with said receiving unit so that a response from the network addressed to the address associated with said receiving unit will be sent to said

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apparatus via the satellite and the satellite dish to be received by said receiving unit (col. 6, lines 31-38).

Wilson does not disclose that the network is a TCP/IP network and the address is an IP address. Galloway discloses a network that is a TCP/IP network, which transmits IP addresses so that a response from the network addressed will be sent to the apparatus (col. 1, line 55 to col. 2, line 14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Wilson with Galloway to increase efficiency of the system while minimizing packet loss.

13. Referring to claims 22 and 32, Wilson discloses the request transmitted from said apparatus to the network is not transmitted via satellite (col. 6, lines 7-30).

14. Referring to claim 23 and 33, Wilson discloses the request transmitted from said apparatus to the network is transmitted via a dialup connection (leased phone line) (col. 6, lines 7-30).

15. Referring to claims 25 and 35, Wilson discloses an address associated with said receiving unit is different from a source address of the request transmitted from said apparatus to the network. Wilson does not disclose using an IP address, however Galloway discloses using IP addresses associated with receiving units (Figure 5). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Galloway with Wilson to provide for reduced

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complexity of the system while allowing for the ease of future upgrades or replacements.

16. Referring to claim 40, Wilson discloses providing a driver (software component) for use in a personal computer (col. 5, lines 64-67).

Claims 26, 28, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Galloway as applied to claims 20 and 30 above, and further in view of Daniels (US PGPub. 2002/0087981).

17. Referring to claim 26 and 36, Wilson in view of Galloway disclose an apparatus for receiving a data packet via a satellite. Wilson in view of Galloway do not disclose that the request transmitted from said apparatus to the network is generated using a browser. Daniels discloses a request transmitted from an apparatus to a network being generated by a browser (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Daniels with Wilson and Galloway for efficient retrieval of files from remote sources using known protocols.

18. Referring to claims 28 and 38, Wilson in view of Galloway disclose an apparatus for receiving a data packet via a satellite. Wilson further discloses that said apparatus is connectable to a personal computer (col. 5, lines 47-67). Wilson in view of Galloway do

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not disclose that the TCP/IP network is the Internet. Daniels discloses a TCP/IP network comprises the Internet (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Daniels with Wilson and Galloway to expand the amount of information retrievable to the receiving computer by making available the resources of the World Wide Web.

19. Referring to claim 29 and 39, Wilson discloses that said apparatus is embodied as an adapter card (communication processor) (col. 5, lines 47-67). It can be loosely construed that an "adapter card" is hardware which facilitates communications with a resource.

Claims 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Ujiie (USPN 5,161,194).

20. Referring to claims 21 and 31, Dawson discloses an apparatus for distributing TCP/IP packets to receiving units as stated above. Dawson does not specifically say that the receiving unit determines whether or not a received TCP/IP packet has a destination IP address matching the IP address associated with said receiving unit. Ujiie discloses another apparatus for distributing packets to receiving units wherein the receiving units determine whether or not a received packet has a destination terminal address matching the address associated with the receiving unit (col. 1, lines 54-67). It would be obvious to a person of ordinary skill in the art at the time the invention was

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made to combine the teaching of Dawson with Ujiie to provide a less bulky and more economical by allowing packets to be transmitted asynchronously as stated in Ujiie (col. 1, lines 28-33).

Claims 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Galloway as applied to claims 20 and 30 above, and further in view of Ujiie.

21. Wilson in view of Galloway disclose an apparatus for distributing TCP/IP packets to receiving units as stated above. Wilson in view of Galloway do not disclose the receiving unit determines whether or not a received TCP/IP packet has a destination IP address matching the IP address associated with said receiving unit. Ujiie discloses another apparatus for distributing packets to receiving units wherein the receiving units determine whether or not a received packet has a destination terminal address matching the address associated with the receiving unit (col. 1, lines 54-67). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Wilson and Galloway with Ujiie to provide a less bulky and more economical by allowing packets to be transmitted asynchronously as stated in Ujiie (col. 1, lines 28-33).

Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Perkins (USPN 5,159,592).

22. Dawson discloses an apparatus for distributing TCP/IP packets to receiving units as stated above. Dawson does not specifically say that the IP address associated with said receiving unit is assigned by an Internet service provider. Perkins discloses that IP addresses associated with receiving units is assigned by an Internet Service Provider (e.g. abstract; col. 3, lines 5-15). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Dawson with Perkins to increase efficient management of IP addresses, while decreasing conflicts between devices.

Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Galloway as applied to claims 20 and 30 above, and further in view of Perkins.

23. Wilson in view of Galloway disclose an apparatus for distributing TCP/IP packets to receiving units as stated above. Wilson in view of Galloway do not disclose the IP address associated with said receiving unit is assigned by an Internet service provider. Perkins discloses that IP addresses associated with receiving units is assigned by an Internet Service Provider (e.g. abstract; col. 3, lines 5-15). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Wilson and Galloway with Perkins to increase efficient management of IP addresses, while decreasing conflicts between devices.

Claims 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Chen et al. (USPN 5,592,620) (hereinafter Chen).

24. Dawson discloses an apparatus for distributing TCP/IP packets to receiving units as stated above. Dawson does not disclose that the request transmitted from said apparatus to the TCP/IP network is generated using FTP. Chen discloses a request from a receiving computer to a TCP/IP network being generated using FTP (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Chen with Dawson for efficient retrieval of files from remote sources.

Claims 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Galloway as applied to claims 20 and 30 above, and further in view of Chen.

25. Wilson in view of Galloway disclose an apparatus for distributing TCP/IP packets to receiving units as stated above. Wilson in view of Galloway do not disclose that the request transmitted from said apparatus to the TCP/IP network is generated using FTP. Chen discloses a request from a receiving computer to a TCP/IP network being generated using FTP (e.g. abstract). It would be obvious to a person of ordinary skill in

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the art at the time the invention was made to combine the teaching of Chen with Wilson and Galloway for efficient retrieval of files from remote sources.

Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Daniels.

26. Dawson discloses an apparatus for distributing TCP/IP packets to receiving units as stated above. Dawson does not disclose that the request transmitted from said apparatus to the TCP/IP network is generated using a browser. Daniels discloses a request from a receiving unit to the Internet is generated using a browser (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Daniels with Dawson for efficient retrieval of files from remote sources using known protocols.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
February 5, 2003



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